

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GOLF SOLUTIONS I, LLC,

Plaintiff,

OPINION & ORDER

v.

14-cv-869-jdp

PRESTIGE FLAG MANUFACTURING
COMPANY, INC. and MICHAEL L. ROBERTS

Defendants.

The parties in this case each filed mirror-image breach-of-contract actions against each other in two federal districts: the Southern District of California and the Western District of Wisconsin. Each party sought to dismiss or transfer the other action, hoping to proceed on one action in its own preferred forum. Following Seventh Circuit precedent on the first-to-file rule, I declined to transfer this case to California, and instead I invited Judge Burns to transfer the California case to this court. Dkt. 30. As I noted in that order, either judge could hear the parties' dispute, but only one of us should do it.

Judge Burns has determined that the first-to-file rule as applied in the Ninth Circuit prevents him from transferring the California case to this court. Dkt. 89-1. Defendants Prestige Flag Manufacturing and Michael L. Roberts have informed me of Judge Burns's opinion, and they conclude their filing with a request that I stay and transfer this case to California. Dkt. 87. But Judge Burns did not invite me to transfer this case to him, presumably because he has Golf Solutions's motion to dismiss or transfer the California case pending, with a hearing set for May 18. So it appears that the future of the California case will be in doubt for a while yet. Accordingly, I will not transfer this case to California at this point. Should it become clear that Judge Burns will keep the California case, I will revisit this decision.

If this case stays here, it will go to trial on December 7, 2015. There will be no stay.
Defendants' motion, Dkt. 87, is DENIED.

Entered April 22, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge